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UTILITY PATENT APPLICATION TRANSMITTAL

Attorn	ey Docket No.	96-04 D1C1	Total Pages	103	155.	
First Named Inventor or Application Identifier						
MECHLENBURG et al.						
Title Muscle Stimulating Device and Method for Diagnosing and Treating a Breathing Disorder						

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b)) EL 997388316 US Express Mail Label No. Mail Stop Patent Application Commissioner for Patents **APPLICATION ELEMENTS** ADDRESS TO: See MPEP chapter 600 concerning utility patent application contents. P.O. Box 1450 Alexandria, VA 22313-1450 7. DOMESTIC/INTERNATIONAL priority is claimed under 35 U.S.C. § 119(e)/120/365(c) Fee Transmittal Form based on the following provisional, nonprovisional, and/or PCT internation applications. (Submit an original, and a duplicate for fee processing) Application No. Filing Date 2. 🔯 Specification [Total Pages 57] 09/761,788 January 17, 2001 (preferred arrangement set forth below) 09/173,871 (2)October 16, 1998 -Descriptive Title of the Invention -Cross References to Related Applications 60/062,288 (3) October 17, 1997 -Statement Regarding Fed sponsored R & D (4)-Background of the Invention -Brief Summary of the Invention Prior application is assigned to Respironics, Inc. and the Penn -Brief Description of the Drawings (if filed) State Research Foundation by Assignment recorded February 12. -Detailed Description 1999 Reel 9768 Frame(s) 0688. -Claim(s) -Abstract of the Disclosure ACCOMPANYING APPLICATION PARTS Drawing(s) (35 U.S.C. § 113) [Total Sheets 10] 9. Assignment Papers (cover sheet & document(s)) (Please return recorded assignment to the undersigned) Oath or Declaration [Total Pages 1] 10. 37 C.F.R. § 3.73(b) Statement Power of Attorney Newly executed (original or copy) (when there is an assignee) b. Copy from a prior application (37 C.F.R. §1.63(d)) English Translation Document (if applicable) (for continuation/divisional with Boxes 19 and 20 completed) [Note Box 5 below] 12. Information Disclosure Copies of IDS Citations **DELETION OF INVENTOR(S)** Statement (IDS)/PTO-1449 Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b). Preliminary Amendment (to be entered before calculating fees) 13. _| Unsigned Return Receipt Postcard (Should be specifically itemized) 5. Incorporation By Reference (useable if Box 4b is checked) The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied 15. Certified Copy of Priority Document(s) under Box 4b, is considered as being part of the (if foreign priority is claimed) disclosure of the accompanying application and is 16. Certificate of Mailing by Express Mail hereby incorporated by reference therein. Application Data Sheet per 37 C.F.R. § 1.76 17. Non-publication Request and Cert. under 35 U.S.C. § 122(b)(2)(B)(i) (attach copy of RI-186 Form (PTO/SB/35)). [Total Pages 2] 18. Other: Filing of Formal Drawings 19. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information: Continuation Divisional Continuation-in-part (CIP) of prior application No. 09/761,788 Prior application Information: Examiner: Gilbert, S. Group/ArtUnit: 3736 21. CORRESPONDENCE ADDRESS 30031 Customer No.

Name	Michael W. Haas	Reg. No.	35,174
Signature	Michael R. Haas	Date	March 29, 2004

Application Number Not Yet Assigned **FEE TRANSMITTAL** Filing Date March 29, 2003 (Effective 10/01/2003) First Named Inventor MECHLENBURG et al. **Confirmation Number** Unknown **Group Art Unit** Unknown "Express Mail" Label No. EL 997388316 US Examiner's Name Unknown \$ 770.00 **TOTAL AMOUNT OF PAYMENT** Attorney Docket No. 96-04 D1C1

METHOD OF PAYMENT	FEE CALCULATION (continued)					
The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:	3. AC	DOITION	AL FEES	;	-	
Deposit Account Number	Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
Deposit Respironics, Inc.	1051	130	2051	65	Surcharge - late filing fee or declaration	
Name Charge any additional Charge the Issue Fee set	1052	50	2052	25	Surcharge - late provisional filing fee or or cover sheet	
fee required under 37 forth in 37 C.F.R. § 1.18 C.F.R. § 1.16, 1.17 1.19 and 1.20	1811	100	1811	100	Certificate of Correction	
2. X Payment Enclosed:	1812	2,520	1812	2,520	For filing a request for reexamination	
Check (Check No. 1217)	576	25	576	25	Additional filing receipt, duplicate or corrected due to applicant error	
FEE CALCULATION (fees effective 10/01/00)	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1. FILING FEE	1251	110	2251	55	Extension for response within first month	
Louis Entire County Entire	1252	420	2252	210	Extension for response within second month	
Large Entity Small Entity Fee (\$) Fee (\$) Fee Description Fee Paid	1253	950	2253	475	Extension for response within third month	
1001 770 2001 385 Utility filing fee 770.00	1254	1,480	2254	740	Extension for response within fourth month	
1002 340 2002 170 Design filing fee	1255	2,010	2255	1,005	Extension for response within fifth month	
1003 530 2003 265 Plant filing fee	1401	330	2401	165	Notice of Appeal	
1004 770 2004 385 Reissue filing fee	1402	330	2402	165	Filing a brief in support of an appeal	
1005 160 2005 80 Provisional filing fee	1403	290	2403	145	Request for oral hearing	
	1451	1,510	1451	1,510	Petition to institute a public use proceeding	
SUBTOTAL (1) \$770.00	1452	110	2452	55	Petition to revive unavoidably abandoned application	
2. CLAIMS Extra Fee from 1453 1,330 2453 665 Petition to revive unintentionally abar application			Petition to revive unintentionally abandoned application			
Total Claims <u>10</u> - <u>20</u> * <u>0</u> x 18 = <u>0.00</u>	1501	1,330	2501	665	Utility issue fee (or reissue)	
Ind. Claims $\frac{2}{2} - \frac{3}{2} \cdot 0 \times 86 = 0.00$	1502	480	2502	240	Design issue fee	
Multiple Dependent Claims add 290 = 0.00	1814	110	2814	55	Statutory Disclaimer	
* Enter Highest Number Previous Paid For	1460	130	1460	130	Petitions to the Commissioner	
Large Entity Small Entity Fee Description Fee (\$)	1807	50	1807	50	Petitions related to provisional applications	
1202 18 2202 9 Claims in excess of 20	1806	180	1806	180	Submission of Information Disclosure Stmt	
1201 86 2201 43 Independent claims in excess of 3	8021	40	8021	40	Recording each patent assignment per property (times number of property)	
1203 290 2203 145 Multiple dependent claim	1809	770	2809	385	Filing a submission after final rejection (37 C.F.R. § 1.129(a))	
1204 86 2204 43 Reissue independent claims over original patent	1801	770	2801	385	Request for Continued Examination	
1205 18 2205 9 Reissue claims in excess of 20 and over original patent	Other Fee (specify)					
and over original patent					F	
SUBTOTAL (2) \$ 0.00					SUBTOTAL (3)	\$ 0.00

SUBMITTED BY					
Typed or Printed Name	Michael W. Haas			Reg. Number	35,174
Signature	Mulal h. How	Date	March 29, 2004	Deposit Account Number	50-0558

Certificate of Mailing by "Express Mail"

EL 997388316 US	March 29, 2004	
"Express Mail" label number	Date of Deposit	

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Michael W. Haas

Typed or printed name of person mailing correspondence

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor

MECHLENBURG et al.

Appln. No.

Not Yet Assigned (CONT of U.S. Appln. No. 09/761,788)

Conf. No.:

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Unknown

Filed:

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March 29, 2004

Title:

:

MUSCLE STIMULATING DEVICE AND METHOD FOR

DIAGNOSING AND TREATING A BREATHING DISORDER

Group Art Unit

Unknown

Examiner

Unknown

Docket No.

96-04 D1C1

* *

March 29, 2004

FILING OF FORMAL DRAWINGS

Hon. Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Please accept herewith the <u>10</u> sheets of formal drawings on 8½ x 11 size paper of Figures <u>1-14</u>, which are in lieu of the informal drawing(s) filed earlier. Each sheet of drawings includes the identifying indicia suggested in 37 C.F.R.§ 1.84 (c) on the front of the drawing.

Respectfully submitted,

Michael W. Haas

Reg. No.: 35,174

Tel. No.: (724) 387-5026 Fax No.: (274) 387-5021

RESPIRONICS, INC. 1010 Murry Ridge Lane Murrysville, PA 15668

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on March 29, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450. "Express Mail" mailing number: <u>EL 997388316 US</u>.

Michael W. Haas, Reg. No. 35,174

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